

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

CHRISTOPHER WILLIAM FEIL (5)

NO. 3:20-CR-00601-M

FACTUAL RESUME

In support of Christopher William Feil's plea of guilty to the offense(s) in Count Four of the Indictment, Feil, the defendant, Kendall Castello, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Four of the Indictment, charging a violation of 18 U.S.C. § 1028(a)(7), that is, Fraud and Related Activity in Connection with Identification Documents, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly transferred, possessed, or used, without lawful authority, a means of identification of another person, as charged in the indictment;
- Second.* That the means of identification of another person was transferred, possessed, or used with the intent to commit, or to aid and abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law; and

¹ Adapted from Fifth Circuit Pattern Jury Instruction 2.48A (5th Cir. 2019); *United States v. Petty*, 2018 WL 4611128 (N.D. Tex. Jan. 17, 2018) (remanded on other grounds).

Third. That the transfer, possession, or use of the means of identification was in or affected interstate or foreign commerce.

The elements of Aiding and Abetting, a violation of 18 U.S.C. § 2, are as follows:²

First. That the offense of Fraud and Related Activity in Connection with Identification Documents was committed by the defendant, as charged in the indictment;

Second. That the defendant associated with the criminal venture;

Third. That the defendant purposefully participated in the criminal venture; and

Fourth. That the defendant sought by action to make the venture successful.

STIPULATED FACTS

1. Christopher William Feil admits and agrees that on or about November 21, 2019, within the Dallas Division of the Northern District of Texas and elsewhere, aided and abetted by Samson Kidane Asres and Brandon Michael Bay, he did knowingly transfer, possess, or use, in or affecting interstate or foreign commerce, without lawful authority, a means of identification of another person, to wit, the name and date of birth of B.J., knowing that means of identification belonged to another actual person, with the intent to commit, or to aid or abet, or in connection with any unlawful activity that constitutes a felony under applicable state or local law, to wit: Fraudulent Use or Possession of Identifying Information in violation of Texas Penal Code § 32.51(b), in
violation of 18 U.S.C. §§ 1028(a)(7) and 2.

² Fifth Circuit Pattern Jury Instruction 2.04 (5th Cir. 2019).

2. Feil admits that he was introduced to Samson Kidane Asres, who organized the scheme discussed in this document, on or before November 21, 2019. Feil admits that Brandon Michael Bay introduced him to Asres. Feil admits that he electronically provided a photograph of himself to allow Bay to create a false driver license in the identity of another person, without that person's permission, that would enable Feil to purchase large-ticket items on credit using that victim's identity.

3. Feil admits that, prior to making a purchase, he would meet Asres at a retail store location (including cellular phone stores and Nebraska Furniture Mart) where Asres would provide Feil with credit history information for the victim identity Feil had assumed. This information often included the victim's prior addresses, prior loan history, or other historical personal information which would better enable Feil to impersonate the victim and answer questions that would confirm he was truly the person whose identity he had assumed. Feil further admits that, for some transactions, Asres emailed him a fraudulent utility bill in the name of the victim to bolster his application for credit. Feil would then enter the store and attempt to purchase certain items that Asres had instructed him to purchase while assuming the identity of the victim and using, among other personal identifiers, the victim's name and date of birth. If the purchase was successful, Feil turned the items over to Asres in exchange for food or cash.

4. Feil admits that one such transaction took place on November 21, 2019, when he assumed the name and date of birth of B.J. without B.J.'s consent or permission. Using a fraudulent driver license created by Brandon Bay, Feil entered a T-Mobile store located at 9310 Forest Lane, Dallas, Texas 75243 and purchased a cellular phone on

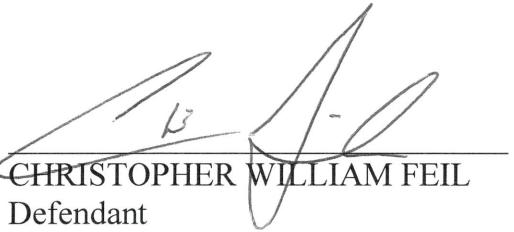
credit using the identity of B.J. The value of the items Feil purchased was less than \$1,000, and Feil admits that he gave the items to Asres. Feil admits that by engaging in this course of conduct, he committed the state felony offense of Fraudulent Use or Possession of Identifying Information, in violation of Texas Penal Code § 32.51(b).

5. Feil admits that, on at least two additional occasions, continuing through December 14, 2019, he also presented a fraudulent driver license created by Bay in the name of an unknowing victim and engaged in the same course of conduct to purchase items using that victim's credit. Feil admits that in both instances, he acted at the direction and with the assistance of Asres, who provided him with victim identifying information and took possession of any goods fraudulently purchased. The total value of items purchased by Feil is approximately \$8,054.92.

6. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count Four of the Indictment.

[NOTHING FURTHER ON THIS PAGE]

AGREED TO AND STIPULATED on this 14 day of May, 2021.


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Defendant


KENDALL CASTELLO
Attorney for Defendant

PRERAK SHAH
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